

A G E N D A

REGULAR MEETING OF THE MIDLAND CITY PLANNING COMMISSION, TO TAKE PLACE ON TUESDAY, MARCH 22, 2016, 7:00 P.M., COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll Call
4. [Approval of the Minutes](#)

Regular Meeting – February 23, 2016

5. Public Hearings

None

Public Hearing Process

1. Staff presentation and overview of petition
2. Petitioner presentation
3. Public comments in support of the petition
4. Public comments in opposition to the petition
5. Opportunity for petitioner rebuttal and final comments
6. Closing of public hearing
7. Deliberation and possible decision by Planning Commission

6. Old Business

- a. [Zoning Ordinance Revisions](#)

7. Public Comments (unrelated to items on the agenda)

8. New Business

- a. [Future Land Use Map Designation of 5900 Waldo Road](#)

9. Communications

10. Report of the Chairperson

11. Report of the Planning Director

12. Items for Next Agenda – April 12, 2016

- a. Zoning Petition No. 604 – initiated by DGR Developments, Inc. to zone a portion of the property located at 2705 and 3003 East Wackerly Street and 6001 Waldo Avenue from Township zoning to Residential A-3 Single-Family Residential zoning.
- b. Zoning Petition No. 605 – initiated by Primrose Retirement Communities, LLC to zone a portion of the property located at 5900 Waldo Avenue from Township zoning to Residential B Multiple-Family Residential zoning.

13. Adjournment

**MINUTES OF THE MEETING OF THE
MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, FEBRUARY 23, 2016, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

3. **Roll Call**

PRESENT: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek, Senesac, Stewart and Tanzini

ABSENT: None

OTHERS PRESENT: Brad Kaye, Assistant City Manager for Development Services; Brian McManus, City Engineer; Grant Murschel, Community Development Planner; and twenty-eight (28) others.

4. **Approval of Minutes**

Moved by Hanna and seconded by Mayville to approve the minutes of the regular meeting of February 9, 2016 as written. Motion passed unanimously.

5. **Public Hearing**

- a. **Site Plan No. 343** – initiated by LSL Engineers & Surveyors on behalf of The Kroger Co. of Michigan for site plan review and approval for a 124,942square foot Kroger Marketplace and fuel station, located at 315 Joe Mann Boulevard.

Kaye gave the staff presentation on the proposal. He reviewed the location of the proposed site plan and the subject zoning: RC Regional Commercial. A market store and a fuel center are both permitted uses within the RC zoning district. He presented the building elevations of the proposed marketplace. He reviewed the three proposed access points, highlighting the proposed design of each one. He discussed the preclusion of cross access with the abutting site to the west, currently occupied by a drive-thru ATM. He indicated that while it does not appear appropriate to have cross access at this time, the city should retain the ability to require shared access if warranted as part of further development of the ATM site. He reviewed the modifications proposed to the parking lot driveway configuration of the Chemical Bank site. He concluded that staff has determined the site plan meets the requirements for zoning district, landscaping, parking, exterior lighting, emergency access, and drainage regulations of the City's applicable ordinances.

Heying questioned the ownership of the Chemical Bank property where the staff parking lot will be located. Kaye indicate that staff has received confirmation from Chemical Bank that they have agreed to conveyance of the subject property contingent upon site plan approval.

Mayville questioned the inclusion of bike racks. Kaye pointed to where the bike racks will be placed. Mayville also questioned the safety of the left turning movements into the existing Chemical Bank from Joe Mann Boulevard. Kaye commented that this existing driveway was not part of the study because it is not proposed to be modified. With the proposed access points to the Kroger development, options for turning into Chemical Bank will be increased and improved.

Kaye explained the location of an existing cell tower on the site within a dedicated area between the marketplace building and the fuel center. Utility easements will be maintained along the south side

of the site to the cell tower but vehicle access easements will be granted over the new driveways of the site, thus eliminating the need for a curb cut off of Airport Road.

Bain wondered about the improvements that will need to take place on Joe Mann Boulevard. Kaye indicated that some improvements will take place as part of the proposed plan while others, such as widening of the road with any additional lanes, is anticipated to take place at a later date through actions by the City Engineering Department via direction by the City Council.

Dave Koppenhafer, of The Kroger Company of Michigan, explained that the company has had a long presence in the city of Midland. He indicated that the company currently believes that the market can support both the existing store and the proposed marketplace. The proposed development will include the fuel center, and all of its associated benefits, a pharmacy drive-thru, and the new Kroger "Click-List" concept.

Senesac wondered about how the sites were selected that were used in the model for traffic volume generation. Koppenhafer indicated that the sites were chosen using a variety of metrics including store size and sales volume. Kaye clarified that this had been questioned by the city's traffic consultant and answered to his satisfaction.

Mike Labadie, of Fleis & Vanderbrink, the firm behind the traffic study, presented the development process of the traffic study. He indicated that the initial scope of work was developed through discussions with city staff. The store is unique since it is not just a large grocery store but rather part grocery store, part retail store. The trip generation rates are therefore not just a grocery store but rather a hybrid. He commented that the goal of the study was to result in recommendations that mitigate the additional traffic volumes that result from this development. He reviewed the recommendations of the traffic study and indicated how the recommendations were accommodated by the site plan design. The installation of a signalized intersection at Joe Mann Boulevard and Al Ott Drive, at Kroger's expenses, and the improvement of signal timing at Jefferson drive and Joe Mann Boulevard were emphasized.

Senesac wanted some additional explanation on the bypass numbers used in the model within the traffic study. Labadie indicated that the bypass numbers were generated using associated uses within the trip generation model index. The number is not a huge number because the development is not going to be built within a vacuum but placed within existing traffic patterns in the area.

Senesac questioned the design of the shared access with Chemical Bank. He indicated that it does not appear safe to assume that left hand turns out of this driveway will be restricted by stacking on north-bound Jefferson Avenue. Labadie commented that he believes restricting access on this drive would negatively impact the site and Jefferson Avenue; the resulting design for this driveway is supported by the traffic study and the city's traffic consultant.

Labadie answered a question by Mayville by indicating that the signal at Joe Mann Boulevard, Alan Ott, and the driveway will be equipped with sensors and components that will detect the traffic volumes and adjust accordingly in concert with the signal at Joe Mann and Jefferson.

There were no public comments in support of the petition.

Tim Boutell, representing 525 & 421 Joe Mann Boulevard which are occupied by a Firehouse Car Wash and ATM, respectively, explained that he believes the truck access maneuvers shown at Joe Mann Boulevard into the proposed driveway to Kroger will cause issues. He questioned why he did not see a reference to driveway spacing standards as part of staff's review. He is also concerned about the idea of shared access with the abutting ATM site because he does not believe that he is required to agree to share access at a later date. He also mentioned concerns about stormwater drainage and the resulting drainage off the site that will occur.

Art Peters, COO of the Dow Chemical Employees' Credit Union which currently operates the ATM at 421 Joe Mann Boulevard, indicated that this ATM does not charge a service fee and is available for use by all consumers. He is supportive of the Kroger development but does not see a reason to have shared access between Kroger and the ATM site.

Danielle Merillat, Product Leader ATM for DCECU, indicated that the subject ATM is one of the busiest in their fleet. She is in agreement that the access should not be shared between the ATM site and the Kroger site.

Eric Anders, of Midland, indicated that he is concerned with the traffic study and the truck maneuvers that are proposed. He indicated that truck drivers will do what it takes to access the site. He did not see any reference in the traffic study to container traffic nor storage areas dedicated to these containers. The soccer complex will add large amounts of traffic during specific tournament weekends and have not been considered in the traffic study. Too high of traffic volumes will negatively impact the roads in the area. Roundabouts have been mentioned in earlier city studies and would cause significant problems in the area.

Koppenhafer responded that truck deliveries will average 3 to 8 per day. The truck maneuvers are shown as the very maximum movements needed for the largest of trucks. These deliveries typically take place during evening or other off peak hours to minimize disruptions. His team will ensure that all stormwater management ordinance requirements are met through the final stormwater permitting process. Storage containers are utilized during construction only and are not otherwise on site as he understands this is not permitted. He stated that he would prefer that a decision be made by this board this evening due to the meeting schedule of the Planning Commission and upcoming contract expirations with property owners.

Kaye provided responses to comments received. He explained that truck turning movements are based on engineering templates and this site is compliant with those templates. That said, there may be times when some disruption occurs due to deliveries, but the frequency of such disruptions will be minimal. Stormwater management plans have been submitted that meet City Engineering standards. Post-development flow from the site is not permitted to exceed pre-development flows. Storage containers are not permitted on the site unless authorized through temporary use permits, thus there is no need to show such storage on the site plans. The roundabout discussion originates from a traffic study completed some number of years ago. There is no intent to pursue a roundabout in this location. Traffic studies and engineering design do not address absolute peak demands. We do not study and we do not build our road systems to meet these peak demands, but instead plan and design to accommodate typical traffic volumes and patterns.

Kaye pointed out that the applicant has worked closely with staff to address each concern identified in the review process. This caused a longer than normal delay in bringing this application to public hearing. He also noted that the next regular scheduled meeting of the Planning Commission was cancelled due to an election taking place on that day. As a result, this application would be heard by City Council on APRIL 11TH INSTEAD OF February 29th if a Planning Commission recommendation is not made this evening. He recommended that a vote be taken tonight if all information is available or that, alternatively, a special meeting be scheduled to recommend on the project prior to the March 14th City Council meeting.

Heying believes the details the Commission has been given answer all of the items that were outstanding. He has no issue with acting on the plan this evening.

A motion was made by Heying to waive the procedural requirements to delay a decision on the proposal until the next meeting. The motion was seconded by Tanzini. The motion was approved unanimously.

Senesac indicated that he feels the site plan has been designed fairly well but he has some concerns with the left turns out of the shared access driveway with Chemical Bank. Kaye indicated that the plans before the Commission this evening do not include a recommendation to review this driveway at a later date. McManus indicated that if safety concerns become an issue they can work with the property owner at a later date. Any modification at a later date would need to be done through legal action as the current practice is to not simply revoke driveway permits once issued.

Heying indicated that there are other options to access the site besides the shared driveway with Chemical Bank. He understands that movements will be limited naturally as drivers who regularly use the site will be aware of the best ways to ingress and egress.

Pnacek wondered about when the improvements to Joe Mann Boulevard and the signal timing will be made. Kaye indicated that the applicant will be installing the signal at Joe Mann Boulevard and Al Ott Drive. The timing improvements at Jefferson Avenue and Joe Mann Boulevard will be made at the same time. Thus, these improvements will be made during construction and before occupancy.

It was moved by Heying and supported by Tanzini to recommend approval of Site Plan No. 343 initiated by LSG Engineers & Surveyors on behalf of The Kroger Co. of Michigan Co. for site plan review and approval to City Council contingent on:

1. A final stormwater management plan and permit application must be approved by the City Engineering Department.
2. A final soil and sedimentation control permit must be approved by the City Building Department.
3. Shared/cross access easement agreements must be submitted for review and approval by the City Planning Department and City Attorney, and executed and recorded at the Midland County Register of Deeds upon approval.
4. Public water utility easement documents shall be submitted for review and approval by the City Engineering Department and City Attorney, and executed and recorded at the Midland County Register of Deeds upon approval.
5. An agreement addressing City and applicant responsibilities for maintenance and restoration of landscaping along Joe Mann Boulevard within the right-of-way area shall be approved by the City Engineering Department and City Attorney, and executed and recorded at the Midland County Register of Deeds upon approval.
6. Access modification to the south side of the Chemical Bank site shall be completed to the satisfaction of the City Planning and Engineering Department to meet ordinance standards.
7. An agreement regarding future installation of a traffic signal and conveyance of additional right-of-way along the south side of Joe Mann Boulevard to address the traffic impacts of the proposal shall be entered into between the City and applicant.

YEAS: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek, Senesac, Stewart and Tanzini
NAYS: None

Chairman McLaughlin recessed the meeting at 8:50 p.m.

Chairman McLaughlin called the meeting back to order at 8:56 p.m.

- b. Site Plan No. 345** – initiated by D & M Site, Inc. for revised site plan for a 6,672 square foot Lucky's Steakhouse Restaurant, located at 830 Joe Mann Boulevard.

Murschel gave the staff presentation and began by explaining the location of the development. The site plan proposal is revised from a previous site plan that was approved in December 2015. The

only significant alteration to the site is the proposed vehicle access. Other minor modifications include a sidewalk connection to the Residence Inn and a stormwater main connection across the abutting property. The proposed driveway connection meets ordinance requirements for spacing. The driveway was reduced from 35' down to 28' in width in order to match the recommendation of the city's traffic consultant.

Hanna commented that review of the access management spacing standards of the ordinance should take place as soon as possible as she believes the proposed driveway is too close to other driveways in this area.

John Morey, of D&M Site, presented as the applicant. He indicated that the original idea was to gain access through the abutting driveway to Wal-Mart; however, the property owner did not like that idea and denied the request. As such, alternative means of access needed to be designed.

Darrell Herbruck, the current property owner of the subject site that includes the Residence Inn, indicated that he intends to develop this corner as a hospitality campus with restaurants and hotels. He spoke to the access needs of restaurants versus hotels as he understands it being in the industry. He expressed his belief that the marketability was negatively impacted with the last design.

Cindy Ciura, the real estate broker for Herbruck of West Bloomfield, indicated that it is all about direct access for restaurants as patrons can just drive by and select a different place to eat if they miss the entrance. Driving across the vacant site to Lucky's is terribly undesirable and has caused some national brands that have indicated interest to think otherwise. She hopes to be able to attract national, regional or local businesses to the remaining parcel.

There were no comments in support or opposition of the proposal. Chairman McLaughlin closed the public hearing.

A motion was made by Pnacek to waive the procedural requirements to delay a decision on the proposal until the next meeting. The motion was seconded by Hanna. The motion was approved unanimously.

Pnacek indicated that he understands the marketability issues that resulted from the last proposal. Heying stated that he agrees with Pnacek.

It was moved by Pnacek and supported by Hanna to recommend approval of Site Plan No. 345 initiated by D & M Site, Inc. for revised site plan review and approval to City Council contingent on:

1. A final stormwater management permit must be approved by the City Engineering Department.
2. A final soil and sedimentation control plan must be approved by the City Building Department.
3. Shared/cross access easement agreements must be submitted for review and approval to the City Planning Department and the City Attorney, and executed and recorded at the Midland County Register of Deeds upon approval.
4. Public water utility easement documents shall be submitted for review and approval by the City Engineering Department and the City Attorney, and executed and recorded at the Midland County Register of Deeds upon approval.
5. Private stormwater easement documents shall be executed and recorded at the Midland County Register of Deeds to safeguard the stormwater discharge main through the vacant parcel to the east.

YEAS: Bain, Hanna, Heying, Mayville, McLaughlin, Pnacek, Senesac, Stewart and Tanzini
NAYS: None

6. **Old Business**

None

7. **Public Comments (unrelated to items on the agenda)**

None

8. **New Business**

None

9. **Communications**

Planning & Zoning News was distributed to members of the Commission.

10. **Report of the Chairperson**

None

11. **Report of the Planning Director**

Kaye provided an update that both the conditional use permit application for Habitat for Humanity on Sam Street and the site plan for Fisher Contracting were approved by City Council during their last meeting.

Hanna commented that a work session this spring might be necessary to discuss the zoning changes that are proposed and also the public notice signs that have been mentioned before.

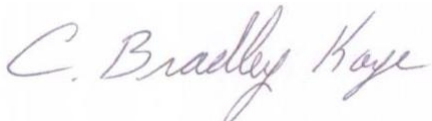
12. **Items for Next Agenda – March 22, 2016**

There have been no items submitted to staff to date.

13. **Adjourn**

It was motioned by Heying and seconded by Hanna to adjourn at 9:34 p.m. Motion passed unanimously.

Respectfully submitted,



C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

Memo



To: Planning Commission Members

From: C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

Date: March 17, 2016

Re: Annual Zoning Ordinance Updates 2015/16

BACKGROUND:

Each year a list of zoning amendments is compiled to improve the zoning text and reflect current needs, identified problems and recommendations from the Zoning Board of Appeals based on cases heard. Draft text amendments were first introduced in October of 2015. Based on the discussions from that meeting and subsequent staff research, updated text amendments were provided for consideration on January 26, 2016. Final revisions are now presented based on the additional feedback provided at the last meeting.

Text amendments are presented within the content of the existing zoning ordinance language. Text proposed to be deleted is noted in ~~strike through~~, while text proposed to be added is noted in **bold underline**.

SUMMARY OF REVISED TEXT AMENDMENTS:

The following provides a summary and proposed text amendments that reflect revisions since these amendments were last considered.

Article 2 – Definitions

Accessory Structure, Attached – several changes were made in the earlier draft to correct references to accessory building and accessory structure. Not included, but pointed out at the last meeting, was the current defined term of Accessory Building, Attached. The correct reference here should be Accessory Building, Attached.

ACCESSORY ~~STRUCTURE BUILDING~~, ATTACHED: An accessory building that is physically joined to the principal ~~structure building~~ by a wall, roof, rafter, or other structural component.

Animal, Exotic – Staff was asked to include revised language permitting exotic animals that are confined to a cage or other method of containment. This language, has been added. An additional standard requiring that such cage or containment be within the residence is also proposed to avoid outdoor pens or cages.

ANIMAL, EXOTIC: Any of the following class or classes of animals; all marsupials (such as kangaroos and opossums); all non-human primates (such as

gorillas and monkeys); all feline, except the domestic cat; all canine, except the domestic dog; all viverrine (such as mongooses and civets); all musteline (such as minks, weasels, otters and badgers but excluding a domesticated ferret); all ursine (bears); all ungulate artiodactyla and perissodactyla, except goats, sheep, pigs and cattle (such as deer, camels, hippopotamuses and elephants); all hyaena all pinniped (such as seals and walruses); all venomous snakes and all snakes of the families Boidae and Pythonidae; all venomous lizards; all ratite birds (such as ostriches); all diurnal and nocturnal raptorial birds (such as eagles, hawks and owls); all edentates (such as anteaters, sloths and armadillos); all bats; all crocodilian (such as alligators and crocodiles); and all venomous arachnids and spiders (such as tarantulas, scorpions and mites); all turtles in the families Chelydridae, Dermochelyidae, and Cheloniidae; wild or non-domesticated animals, whether or not raised or kept in captivity, and includes, but is not limited to, wolf, bobcat or mountain lion, fox, cougar, skunk, and all birds, the keeping of which is prohibited in the Migratory Birds Convention Act, 1994, c.22, and regulations thereto, and all animals, the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997, c.41, and regulations . **An exotic animal excludes: 1) animals confined to a cage or other method of containment throughout their lifetime, provided such cage or other method of containment is located wholly within a residence; and 2) domestic animals as defined by this ordinance. Exotic animals may not be kept for domestic purposes in any zoning district.**

Housing for the Elderly and the Disabled – Our last discussion centered on the word “institution” used in the definition. Although no direction was provided at that time, staff has further reviewed this definition and determined that it would be appropriate to replace the word “institution” with the word “facility”. This minor change removes any concern about defining senior apartments as an institution.

HOUSING FOR THE ELDERLY AND THE DISABLED: An institution other than a hospital, **or** hotel **or nursing home**, which provides room and board to non-transient persons. Housing for the elderly and the disabled may include the following:

Article 3 – General Provisions

Section 3.03 Accessory Structures – Considerable discussion took place regarding the terms accessory building and accessory structure and the sometimes subtle differences between the two. Based on that discussion, and several changes that will be made within the various provisions of Section 3.03, it would be appropriate to change the title of this section to reflect the full scope of the regulations.

Section 3.03 – ACCESSORY **BUILDINGS AND** STRUCTURES

Section 3.03.A.3 Attached Accessory Structures - Following discussion, it was determined and directed by the Planning Commission that the provisions of this section apply to accessory buildings and structures

Attached Accessory **Buildings and Structures**

Unless otherwise specified in this Section, accessory **buildings and** structures which are attached to the principal **building or** structure (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building or structure for the purposes of determining conformance with area, setback, height, and bulk requirements.

Article 7 – Walls and Fences

Following a lengthy discussion on this section, it was directed that walls and fences in the front yard (extending from the front of the structure to the street) will not be permitted to exceed four (4) feet in height. It was further directed that permission from the Planning Director to erect a fence up to six (6) feet in height in the side yard setback would be restricted to instances where such fence was being repaired or replaced. Finally, due to the front yard fence height limitation, all references to the opacity of a fence in the front yard were deemed unnecessary and direction was provided to remove such provisions. The changes needed to give effect to these directions are as follows:

Table 7.1: REQUIRED OBSCURING WALL OR FENCE HEIGHT

Location, Use or Zone	Maximum Height from Grade ^a	Comments
Residential District	6 feet	May not exceed 4 feet in any front yard. The front yard extends from the front property line to the front face of the principal structure.

Section 7.03 -- WALLS AND FENCES IN RESIDENTIAL DISTRICTS

Fences in Residential Districts may be located in the required front, side or rear yard subject to the following requirements:

A. Height

All fences shall not exceed six (6) feet in height above grade except for the following:

1. Fences located in required front or required side street yards shall not exceed four (4') feet in height above grade.
2. ~~Fences four (4') feet in height or greater, when located outside of the required front yard and in front of the principle structure, shall be at least 50% non opaque in nature and constructed so as not to create the appearance of a wall in the front of the house.~~
3. Fences along a lot line adjacent to an expressway may be twelve (12) feet in height. Construction details for any wall or fence taller than six (6) feet shall be submitted to the Building Department for evaluation with the permit application.
4. **The Planning Director shall have the discretion to permit the repair or replacement of fences up to 6' in the required street side yard.**

B. Fence Design Temporary Fences

1. ~~Fences and walls in the required front yard setback may be obscuring if they do not exceed four (4') feet in height.~~
2. ~~Fences four (4') feet in height or greater are permitted in the front yard, outside of the required front yard, provided that the entire fence located within the front yard shall be at least 50% non opaque in nature and constructed so as not to create the appearance of a wall in the front of the house.~~
3. Temporary fences not associated with construction are prohibited.

Article 27 – Site Plan Review

Section 27.02.B.2 (page 27-2) – Consideration of an alternative standard utilizing percentage of building expansion was previously requested. Upon review, staff was unable to develop a standard that was reasonable and simple to apply.

Presented previously was the concept of a stepped level of site plan review. As presented in January, any development that crossed a minimal threshold of 7,500 square feet would trigger full site plan review. Thereafter, any addition or aggregate of additions that would have exceeded an additional 15,000 square feet would have triggered a further full site plan review process. Smaller additions not meeting these threshold standards would have required only administrative site plan review. This concept was rejected by the Planning Commission.

Following discussion, it was the direction of the Planning Commission that any addition or aggregate of additions exceeding 7,500 square feet should be subject to full site plan review. Based on this direction, it was further directed that additions which pushed total square footage past 7,500 square feet but did not increase total building size by at least 7,500 square feet would require only administrative review. The following text amendments are required to give effect to this direction:

B. Site Plan Not Required

Notwithstanding the preceding subsection A, site plan approval is not required for the following activities:

1. Construction, moving, relocating or structurally altering a single or two-family dwelling, including any customarily incidental accessory structure.
2. ~~Construction of any structure, building or addition to an existing building or structure with less than seventy five hundred (7,500) square feet of gross floor area, so long as the addition does not increase the existing building's gross floor area above 7,500 square feet, in aggregate.~~
3. **Construction of any addition to an existing building or structure to create not more than an additional seven thousand five hundred (7,500) square feet of gross floor area, in aggregate, since the approval of a site plan under the preceding subsection A.**

NEXT STEPS:

The text amendments presented at this time require Planning Commission review and discussion. Once the Planning Commission is generally satisfied with the proposed text, both these and the previously approved text amendments will be forwarded to the City Attorney for his review and approval. A public hearing will then be scheduled and public notice of that meeting will be provided. Only following the public meeting can a recommendation be made to City Council.

Memo



To: Planning Commission Members

From: C. Bradley Kaye, AICP, CFM
Assistant City Manager for Development Services

Date: March 17, 2016

Re: Pending Rezoning Petition Master Plan Consideration – 5900 Waldo Road

PARCEL BACKGROUND:

5900 Waldo Rd is a parcel of land located on the east side of Waldo Rd opposite the termination of Diamond Drive. It was recently annexed from Larkin Township to the City of Midland at the request of the property owner. That property owner now wishes to rezone a portion of the parcel (see attached maps) from Township Zoning to RB Multiple Family Residential District. The zoning petition will be presented for public hearing and discussion at the April 12, 2016 meeting of the Planning Commission.

MASTER PLAN DESIGNATION:

The subject parcel that is proposed for rezoning is designated Low Density Residential by the Future Land Use Map included in the City of Midland Master Plan. It is adjacent, on the southern edge, to a Medium Density Residential land use designation. The RB Zoning District requested would be consistent with the Medium Density designation, but is not typically used to implement the Low Density designation. The specific purpose of the rezoning petition is to permit the development of a senior living facility.

As the Planning Commission is in the process of reviewing the Master Plan and, more specifically, future land use designations, Planning Staff is advancing this matter for immediate consideration and determination if a Future Land Use map change from Low Density Residential to Medium Density Residential should be included in our ongoing Master Plan review process.

ZONING MAP AMENDMENT REVIEW CONSIDERATIONS:

Set out in Section 30.03.D of the City of Midland Zoning Ordinance are 10 standards that must, at a minimum, be considered before taking action on any proposed zoning map amendment. These ten standards are:

1. Is the proposed amendment consistent with the City's Master Plan?
2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?
3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?
4. Will the amendment merely grant special privileges?
5. Will the amendment result in unlawful exclusionary zoning?
6. Will the amendment set an inappropriate precedent?

7. Is the proposed zoning consistent with the zoning classification of surrounding land?
8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?
9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?
10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

Upon review of the above standards, your attention is pointed to standards 1 and 8. Each requires consideration of the Master Plan, with standard 1 referring directly to the subject property and standard 8 referring to surrounding properties. When the zoning petition is considered, standard 1 will be judged deficient but condition 8 will be judged positively.

Keeping in mind that the standards set out above are policy level statements that must be considered and weighed when any zoning petition is presented, the Planning Commission and ultimately City Council will have the opportunity to determine if the zoning petition should be approved. For the planning Commission, that opportunity will take place following the public hearing on April 12, 2016.

FUTURE LAND USE MAP CHANGE:

As stated above, the future land use map designation is one consideration that must be given to a proposed zoning map amendment. The decision to approve or not approve the zoning petition must be made upon consideration and weighing of all 10 standards. That said, the Master Plan designation is and should be given considerable weight in this process.

The application coming to public hearing is intended to permit a senior living facility on lands opposite the end of Diamond Drive and immediately adjacent to an existing Medium Density Residential designation. On the surface, this use could be considered consistent with the small-scale care facilities envisioned by the Low Density Residential designation but it can only be approved under RB zoning. Likewise, under the Medium Density Residential designation, this type of use would be considered a senior living facility that is specially mentioned in the land use policies.

It would appear appropriate that the portion of the subject property be considered for change from from Low to Medium Density Residential on the Future Land Use Map. While the Planning Commission will be asked to determine if this change is necessary prior to rezoning at a later time, Staff request approval to include this change on the list of potential changes to the Master Plan that will be considered through our review and update process that is now underway.

NEXT STEPS:

Direction from the Planning Commission is requested at this time. Specifically, Staff request that direction be provided on whether or not to include this parcel on the list of those to be reviewed for possible reclassification on the Future Land Use Map of the Master Plan. If included, this parcel would be considered for change from Low Density Residential to Medium Density Residential.

ZP #605 - Twp Zoning to RB Multiple-Family Residential



> Portion of 5900 Waldo Avenue - Primrose Retirement Communities, LLC

